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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the Accusation Against:

Case No. 2013-607

12 **MARIAN YAMBAO QUINTO**  
13 **1080 Newport Avenue, #1**  
**Long Beach, CA 90804**

**A C C U S A T I O N**

14 **Registered Nurse License No. 739472**

15 Respondent.  
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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about November 6, 2008, the Board of Registered Nursing issued Registered  
24 Nurse License Number 739472 to Marian Yambao Quinto (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on September 30, 2014, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

## COST RECOVERY

7. Section 125.3 of the Code provides in part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 **(Discipline by Out of State Licensing Agency)**

5 8. Respondent is subject to disciplinary action under Code section Code section 2761  
6 subdivision (a)(4), in that Respondent sustained disciplinary action against her Texas Nursing  
7 License.

8 9. Respondent was issued Registered Nurse License Number 763400 by the Texas  
9 Board of Nursing. On or about June 23, 2010, Respondent entered into an Agreed Order with the  
10 Texas Board of Nursing, in which her nursing license was disciplined for a violation of Texas  
11 Occupations Code sections 301.452(b)(10) & (13). The order became effective on August 17,  
12 2010. The circumstances are as follows:

13 a. On or about January 21, 2009, while employed as a staff nurse with McAllen  
14 Medical Center, Respondent administered "Toradol 45mg intravenously to a 13 month old infant  
15 patient, whose status was post-operative appendectomy. The patient's physician ordered  
16 "Toradol 0.5mg/kg (4.5mg)" by IV. When Respondent realized she administered an excess  
17 amount of Toradol to the infant she informed her Charge Nurse. The infant was transferred to the  
18 Pediatric Intensive Care Unit where the infant underwent a blood transfusion.

19 b. The Texas Board of Nursing issued a "Warning with Stipulations" to the  
20 Respondent. Respondent was ordered to: (1) deliver her wallet sized license to the Texas Board;  
21 (2) complete three remedial education courses; required for one year to provide direct patient care  
22 and practice in a hospital, nursing home, or other clinical setting for a minimum of 64 hours a  
23 month; (3) be supervised by another nurse; (4) provide a copy of the Texas Order to all  
24 employers; (5) present each employer with a Notification of Employment Form which is to be  
25 sent to the Texas Board; and (6) send quarterly reports to the Texas Board, to be completed by her  
26 supervising nurse.

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2 **PRAYER**

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
4 and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 739472, issued to Marian  
6 Yambao Quinto

7  
8 2. Ordering Marian Yambao Quinto to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.  
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14 DATED: February 12, 2013

Louise R. Bailey  
15 LOUISE R. BAILEY, M.ED., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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